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ORIGINALLY FILED

ATTY. DKT. 81476-255373

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OCT 30 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1632
	)	
Applicant: <b>AVITAL et al.</b>	)	Examiner: Thaian N. Ton
	)	
Serial No.: 09/852,458	)	
	)	
Filed: May 9, 2001	)	
	)	
For: <i>METHOD FOR THE ISOLATION OF</i>	)	
<i>STEM CELLS BY IMMUNO-LABELING WITH</i>	)	
<i>HLA/MHC GENE PRODUCT MARKER</i>	)	

RESPONSE TO REQUEST FOR SUBSTITUTE PAPERS

BOX DUPLICATE TC1600  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202-2327

Dear Sir:

Enclosed is a complete and accurate copy of the papers submitted by Applicants on September 30, 2002. These papers are being timely submitted, as the Request for Substitute Papers was received by Applicants on October 16, 2002, the same being evidenced by the date stamp on the attached copy of the Request.

Although Applicants recognize that facsimile is the strongly preferred means of submitting substitute papers, Applicants cannot submit the papers of September 30, 2002 by facsimile, as color photographs were included along with those papers. As such, enclosed please find a new set of color photographs along with the remainder of the duplicate papers filed on September 30, 2002.

Furthermore, a check in the amount of \$130.00 was included along with the papers submitted on September 30, 2002 to cover the cost of Applicants' Petition to Accept Color Photographs. Applicants are not clear as to whether the check was accepted by the Patent Office, or whether it was destroyed in accordance with the sanitization process. As such, Applicants respectfully request that, if the check was destroyed, that the Patent Office please charge our Deposit Account No. 03-3975 under Order No. 81476/255373 for any insufficiency in payment created by the sanitization process.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: October 22, 2002

By: 

Seth D. Levy  
Registration No. 44,869  
Attorney for Applicant(s)  
725 South Figueroa Street  
Suite 2800  
Los Angeles, CA 90017-5406  
Telephone: (213) 488-7100  
Facsimile: (213) 629-1033

Attachments: *Copy of Request for Substitute Papers*, received October 16, 2002

*Copy of Response to Requirement for Election of Species*, filed September 30, 2002

*Copy of Petition to Accept Color Photographs*, filed September 30, 2002, along with three sets of color figures 1, 2 and 4



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/852,458	05/09/2001	Avital, Itzhak	81476-255373

PILLSBURY WINTHROP LLP  
725 South Figueroa Street, Suite 2800  
Los Angeles CA 90017-5406



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**Title:** Method for the isolation of stem cells by ~~antigen~~ labeling with HLA/MHC gene product marker

Date Mailed: 10/11/2002

## Request for Substitute Papers

The papers filed on 10/07/02 (certificate of mailing dated 09/30/02) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated **703-308-4556(TC1600)**.

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO **strongly** prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate TC1600, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. **A copy of this notice should be included with the reply.**

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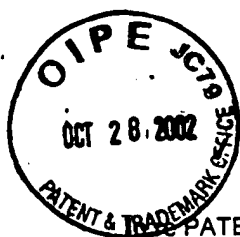
The enclosed papers are a complete and accurate copy of the above-identified papers. PILLSBURY WINTHROP LLP/LA

Name: SETH D. LEVY Registration No.: 44,869

OCT 16 2002

Signature: [Signature] Date: 10/22/02

CL# 081476 MT# 0255373  
ATTY(S) CEDARS-SINAI-SOL  
DUE: 10-25-02  
DKT BY (1) MSG (2) \_\_\_\_\_



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OCT 30 2002

TECH CENTER 1600/2900

Inventor(s): AVITAL et al. Examiner: T. Thaian  
Appl. No.: 09 | 852,458 Group Art Unit: 1632  
Series Code  $\uparrow$  | Serial No.  $\uparrow$   
Filed: May 9, 2001 Atty. Dkt. P 255373 | 81476  
M# | Client Ref  
For METHOD FOR THE ISOLATION OF STEM Date: September 30, 2002  
CELLS BY IMMUNO-LABELING WITH  
HLA/MHC GENE PRODUCT MARKER

Hon. Commissioner of Patents  
Washington, D.C. 20231

**PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS**

This petition is made to accept:

(x one) ☐ color drawings (Rule 84(a)(2)) three sets of which are  
(box) ☒ color photographs (Rule 84(b)(2)) three sets of which are

(x one) ☒ enclosed  
(box) ☐ previously filed on \_\_\_\_\_

☒ Please amend the specification by inserting as the first paragraph of the Brief Description of the Drawing, i.e., on page 3 between lines 18 and 19:

—The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the patent and Trademark Office upon request and payment of the necessary fee. —

The color drawings/photographs are necessary for the understanding of the claimed invention because:

Figures 1, 2 and 4 depict biological subject matter, and color photographs are the only  
practicable medium with which to depict this subject matter.

☐ Please charge the required \$130 petition fee (fee code 122) per Rule 17(h) to our Deposit Account No. 03-3975 under Order No. \_\_\_\_\_ / \_\_\_\_\_

Respectfully submitted,

Pillsbury Winthrop LLP  
Intellectual Property Group

725 South Figueroa Street, Suite  
2800  
Los Angeles, CA 90017-5406  
Tel: (213) 488-7100

By Atty: Seth D. Levy

Reg. No. 44,869

Sig: 

Fax: (213) 629-1033  
Tel: (213) 488-7131

Atty/Sec: SDL/SDL

NOTE: File this petition in duplicate with PTO receipt PAT-103 or PAT-103A and attachments